

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT POUNDS,

Plaintiff,

v.

Case No. 06-11670
Honorable Patrick J. Duggan

MOUND CORRECTIONAL FACILITY, et
al.,

Defendants.

ORDER

On January 9, 2007, this Court issued an opinion and order granting a motion for summary judgment filed by Defendant Seetha Vadlamudi and granting a motion to dismiss filed by Defendant Correctional Services, Inc. As the Court previously had dismissed the other defendants from this case, it also issued a judgment in favor of Defendants and against Plaintiff. Presently before the Court is Defendant Vadlamudi's motion to tax costs, filed February 6, 2007. In the motion, Defendant Vadlamudi asks the Court to tax costs against Plaintiff pursuant to Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. §§ 1920 & 1923. Plaintiff failed to file a response to the motion.

Defendant Vadlamudi seeks costs totaling \$46.00. This amount consists of \$26.00 in copying fees and \$20.00 in nominal attorney fees. Defendant is entitled to these amounts pursuant to §§ 1920 and 1923, respectively. *See also Berryman v. Epp*, 844 F.

Supp. 242, 244 (E.D. Mich. 1995)(concluding that a defendant is entitled to the \$20.00 docket fee set forth in 28 U.S.C. § 1923(a) upon entry of summary judgment as a final decision). The Court believes that these minimal costs should be taxable against Plaintiff even if he is unable to pay the assessment. *Talley-Bey v. Knelb*, 168 F.3d 884, 887 (6th Cir. 1999).

Accordingly,

IT IS ORDERED, that Defendant Vadlamudi's motion to tax costs is **GRANTED**;

IT IS FURTHER ORDERED, that Plaintiff shall pay \$46.00 in costs to Defendant Vadlamudi's counsel in accordance with the payment schedule set forth in 28 U.S.C. §§ 1915(b)(2) and (f)(2)(B).

Date: March 21, 2007

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Everett Pounds, #231072
Mound Correctional Facility
17601 Mound Road
Detroit, MI 48212

Christine M. Campbell, Esq.